

MUSKEGON CHARTER TOWNSHIP
COUNTY OF MUSKEGON
STATE OF MICHIGAN

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF MUSKEGON TO
PROVIDE REGULATION OF SPECIAL USES

Ordinance No. 15-09

THE CHARTER TOWNSHIP OF MUSKEGON ORDAINS:

Section 1. Purpose.

This ordinance provides the procedures, requirements and conditions for issuance of special use permit.

Section 2. That Article II. Special Uses of the Zoning Ordinance be amended to read as follows:

Sec. 58-58. - Conditions and safeguards.

(a) The planning commission may recommend any conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the special use permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who utilize the land use or activity and the township as a whole; and be consistent with the general standards as established in this chapter and therefore be necessary to meet the intent and purpose of the regulations contained therein.

(b) Upon granting approval, the township board may require any conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the special use permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who utilize the land use or activity and the township as a whole; and be consistent with the general standards as established in this chapter and therefore be necessary to meet the intent and purpose of the regulations contained therein.

(c) Conditions and requirements stated as part of special use permit authorization shall be a continuing obligation of special use permit holders or their successors. Township staff shall make periodic investigations of developments authorized by special use permits to determine compliance with all requirements.

(d) Special use permits may be issued for time periods as determined by the township board. Special use permits may be renewed in the same manner as originally applied for.

(e) In authorizing a special use permit, the township board may require that a bond, or other financial guarantee acceptable to the township, or ample sum be furnished by the developer to ensure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the township treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the township board may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

(f) All plans, specifications, and statements submitted with the application for a special use permit shall become, with any changes ordered by the township board, a part of the conditions to any special use permit issued thereto.

(g) No application for a special use permit which has been denied wholly or in part by the township board shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the township board.

(h) The foregoing general standards are basic to all special uses; and the specific requirement accompanying the following sections relating to particular uses are in addition

to and shall be required in all applicable situations, including all federal, state and local permits and licenses.

Section 3. That a new section 58-59 be added by adding thereto new language to read as follows:

- (a) The Township Board shall have the authority to revoke any special use permit if one or more of the following conditions apply:
 - (1) The holder of the special use permit violates any term of the permit or the property is not being used in conformance with the approved special land use.
 - (2) Failure or neglect to comply with the any provisions of the Zoning Ordinance or any other duly adopted ordinance.
 - (3) The special use permit is issued erroneously on the basis of incorrect or misleading information supplied by the applicant.
 - (4) The permitted use ceases to continuously operate for a six (6) month period as determined by the Zoning Administrator.
- (b) Prior to revoking a special use permit, the Township shall give written notice to the holder of the special use permit, by first class mail or by personal delivery of the date and time the revocation will be considered by the Township Board. Said notice shall include reasons why the special use permit is being considered for revocation, and notify applicant of the right to speak at the referenced Township Board meeting. In the event the Township Board determines one or more of the above conditions exist and revokes the special use permit, the permit holder shall have thirty (30) days to cease the revoked use. The holder shall reimburse the Township for its costs, including consulting and attorney fees associated with or resulting from the revocation process.
- (c) Any applicant considering himself aggrieved by the revocation decision shall have the right to appeal to the circuit court within thirty (30) days of the decision.

Section 4. Severability.

If any section, clause or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or any remaining provisions of the Ordinance.

Section 5. Conflicting Provisions.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed upon the effective date of this Ordinance.

Section 6. Effective Date.

This Ordinance shall be effective ten (10) days following publication.

Ann D. Oakes, CMC
Muskegon Charter Township Clerk

Introduced: July 6, 2015
Adopted: July 20, 2015
Published: July 26, 2015
Effective: August 6, 2015